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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,821	03/29/2001	Michel Roger	713-417	1461

7590 03/20/2003

Benjamin J. Hauptman
LOWE HAUPTMAN
GILMAN & BERNER, LLP
1700 Diagonal Road, Suite 310
Alexandria, VA 22314

EXAMINER

ZACHARIA, RAMSEY E

ART UNIT	PAPER NUMBER
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1773

DATE MAILED: 03/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/819,821

Applicant(s)

ROGER, MICHEL

Examiner

Ramsey Zacharia

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--Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 March 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see attached.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: None.

Claim(s) objected to: None.

Claim(s) rejected: 1,2 and 4-33.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

RESPONSE TO AMENDMENT

1. The amendment filed 11 March 2003 will not be entered because the limitation directed towards the amount of hydrocarbon emitted through the part represents a new issue that was not presented during prosecution. As such it represents a new issue that would require further search and consideration. Moreover the amendment is not deemed to place the application in better form for appeal, since it contains at least one limitation that was not considered during prosecution.

2. The applicant's arguments that the finality should be withdrawn because the claims were narrowed by amendment then rejected in the second action with new references. This is not persuasive because any second or subsequent action on the merits shall be final except where in examiner introduces a new ground of rejection that is neither necessitated by amendment of the claims nor based on information contained within an IDS filed during the time period set forth in 37 CFR 1.97 with the fee set forth in 37 CFR 1.17(p). See MPEP 706.07(a). In the instant case, the action was made final because the new grounds of rejection were necessitated by the applicant's amendments to the claims. Note that when discussing final rejections, the MPEP refers to the grounds of rejection not the references used. A new grounds of rejection may be a rejection based on new references, a new application of old references, or a combination thereof. Thus at issue is not whether or not the amendment necessitated the use of new references but whether the amendment necessitated new grounds of rejection. The amendment filed 30 September 2002 introduced new issues (e.g. specifying that the body is non-metallic and that the

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thickness of the coating is about 10-30 μm) that necessitated the new grounds of rejection. The original rejection under Kodama et al. and Johnson were withdrawn because they did not teach or taught away from the limitations added in the amendment filed 30 September 2002. That is, the amendment filed 30 September 2002 necessitated the new grounds of rejection.

3. The applicant's arguments with respect to the prior art rejections have been considered but are not persuasive for the following reasons. The applicant argues that the references relied upon by the examiner do not teach a polytetrafluoroethylene polymer, but rather copolymers containing tetrafluoroethylene. However, polytetrafluoroethylene is not the same as a homopolymer of tetrafluoroethylene. The policy of the PTO is to give claims their broadest reasonable interpretation. Under these guidelines, polytetrafluoroethylene is any polymer containing tetrafluoroethylene (i.e. a polymer of tetrafluoroethylene) and not just the homopolymer of tetrafluoroethylene.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Zacharia whose telephone number is (703) 305-0503. The examiner can normally be reached on Monday through Friday from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Thibodeau, can be reached on (703) 308-2367. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310 for non after-final correspondences and (703) 872-9311 for after-final correspondences.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

A handwritten signature in black ink, appearing to read 'R. Zacharia', with a stylized flourish at the end.

Ramsey Zacharia

Primary Examiner

Technology Center 1700

3/17/03